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The Malibu Times

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Friday, July 26, 2002



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State purchases Lechuza beach lots

Twenty-one beachfront lots and three inland parcels are now permanently dedicated to the public. However, status quo exists, for now, on access.

By Laura Tate/Editor

Foiling the former owner's plans to throw the gates wide open to the beach-going public, the Mountains Recreation and Conservation Authority, which purchased 21 beachfront lots and three inland parcels on Lechuza Beach in May, will take its time in developing a plan to provide greater access to the public.

The purchase brought an end to a ferocious legal battle over the development of the lots that has lasted more than 10 years between owner/developer Norm Haynie and the Malibu-Encinal Homeowners Association (MEHOA).

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Haynie, through Lechuza Villas West, L.P., had purchased a majority of the land in 1990 for approximately \$2 million. A total of \$12.5 million had been allocated toward the recent purchase, but the MRCA ended up paying approximately \$9 million for the 24 parcels of land, made possible with a grant from the California Coastal Conservancy.

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Haynie battled first with the California Coastal Commission for the right to develop and build on the lots. The Coastal Commission deemed the lots inappropriate for private development. Haynie then faced MEHOA when he decided to sell his land to the state.

Homeowners aired their concern about how the beach would be managed, and about any possible construction such as restrooms and parking that would take place to make the area more accessible to the public.

Another issue brought up by MEHOA was 1932 Covenants, Conditions and Restrictions for the tract of land, which, it contended, granted homeowners the right to control access to the beach.

However, Coastal Conservancy Deputy Executive Officer Steven Horn, who was the project manager for the acquisition, said of the purchase, "We were confident in making the grant of funds to the MRCA that property rights that were being acquired were sufficient for public access."

Access to the beach has been available through timed, locked gates at the west and east ends of Sea Level Drive off Broad Beach Road, open from sunrise to sunset. However, the gates are surrounded by dense greenery, making visibility difficult.

There are three other gates, but they are not open to the public.

Before Haynie completed the sale to the MRCA, he was granted a coastal permit with the right to take down the five gates, pave 37 public parking spaces, and place informational signs along Sea Level Drive. MEHOA subsequently threatened to file several lawsuits on the matter.

Horn said he believes access to the beach will continue on the same basis, with pedestrian access only.

Laurie Collins, MRCA staff counsel, said a management plan is being worked on with MEHOA. A consultant will be hired to work with the association and the Coastal Conservancy "to put in place an appropriate plan" for access and management, she said.

Collins said some improvements might be considered such as restrooms and upgrading of passageways to the beach. However, she said parking would be limited to Broad Beach Road, except for possible handicap parking that would be located closer to the beach.

A completion date for the draft and implementation of a management plan has not been set, Collins said.

"We just started it [the plan], [and] have had one meeting with the MEHOA board," Collins said. "We haven't hired a consultant. I'm not sure how long it will take."

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